

VIII. DOMESTIC

This chapter describes the procedures unique to the examination of domestic claims. Other examination procedures for the other elements of domestic claims are described in Chapter VI, Claims Examination, and Chapter VII, Irrigation.

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A. DOMESTIC CLAIM QUESTIONNAIRE

A questionnaire (Exhibit VIII-1) has been developed to obtain additional information when the claim file does not provide sufficient information to examine a claimed domestic use. This questionnaire would be useful in the following circumstances:

- extended nonuse, such as old mining camps
- several domestic claims with same priority date, source, and documentation
- questions of nonperfected claims
- right perfected post-June 30, 1973

When the questionnaire is used, send it to the present owner. If multiple owners are involved, the questionnaire may be sent to the other owners at the reviewer's discretion. All questionnaires must be accompanied by a cover letter (Exhibit IV-8). Other questionnaires, e.g., pump and reservoir, may be sent if needed.

The questionnaire can also be used as a guide when acquiring data on domestic claims through telephone contact or in-person interviews. In such situations, the questionnaire can be filled out by the reviewer based on the information obtained from the person being contacted. Note at the top of the form that it was completed by the reviewer.

B. FLOW RATE

The flow rate for domestic claims is the rate at which water has been diverted from the source. Domestic flow rates will be decreed in units of gallons per minute (gpm) or cubic feet per second (cfs).

1. Identifying Claimed Flow Rate. The identification of claimed flow rates will follow the procedures described in "Irrigation: Flow Rate."

2. Examining Claimed Flow Rate. The claimed flow rate for domestic claims (and claims to lawn and garden use) will be reviewed according to the claimed means of diversion, using other information in the claim file, and a general flow rate guideline. Information may be gained through claimant contact.

For claimed flow rates that will be decreed, there are two underlying considerations to keep in mind. First, has the claimed flow rate actually been diverted? Second, is the claimed flow rate reasonable for the specific purpose? If the answer to either question is no, further information should be pursued to determine what is reasonable and accurate. This thought process should form the basis for examining all claims.

Unique Features Or Aspects. Any unique aspects or features of the flow rate may be remarked using the FR remark code, e.g., FR01.

Example: F45 FR01ENTIRE FLOW OF THE SOURCE AS DECREED IN CASE NO. 0000, TOOLE COUNTY.

a. Changing Flow Rate. The claimed flow rate will not be changed during examination unless:

- amended by the claimant;
- clarified by the department;
- to standardize units of measure;
- to apply standards (see part 3 below).

Make changes to the claimed flow rate directly on the worksheet. Document changes in the flow rate by checking the appropriate authority for the change, and by writing reasons on the comments line. If the change will result in a difference between the decree abstract and the claim, place an asterisk in the left margin of the worksheet in the brackets to the left of the flow rate heading.

b. Claimant Contact. For system types receiving a flow rate in the decree, claimant contact may be required. In conjunction with the review criteria in this subchapter, the claimant should also be contacted whenever the claimed flow rate is unclear, has apparent discrepancies, or appears unreasonable. This contact can have several outcomes.

- Information discussed confirms the claimed flow rate. Document the information supporting the claimed flow rate.
- A flow rate different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claim can be changed by an amendment from the claimant. Document the information used to substantiate the new data.
- If the issue is unresolved, e.g., pump data are insufficient to confirm the claimed flow rate, or data support an actual flow rate different from the one claimed, add a flow rate issue remark to the department's examination report.

3. Specific Flow Rate Review Criteria. Flow rate for domestic claims will be decreed differently depending upon the type of system involved. This section contains criteria for different types of domestic systems to be used as benchmarks for conducting department review or claimant contact.

a. Domestic Claims Without Reservoirs. The flow rate for all domestic claims not involving the use of a reservoir will be decreed as claimed. The guideline for reviewing these claims is 35 gpm. (When the method of diversion is a bucket, use 10 gpm as a guideline.) Claimed flow rates of 35 gpm or below will generally be accepted, but may be reviewed further if there is an apparent error or conflicting data.

When a claimed flow rate exceeds the 35 gpm guideline, review the claim file for data that might be useful in determining its accuracy. Useful data includes

- horsepower of pumping unit
- length, diameter, and head of gravity flow pipeline
- well pumping depth (i.e. "head" or vertical lift)
- pump make and model
- test data (well log information)
- flow rate measurements or records

When a claimed flow rate for a pump appears in error, conflicts with pump data in the claim file (such as the pump rate at Means of Diversion), or exceeds the 35 gpm guideline, and there is insufficient information in the claim file to substantiate the claimed flow rate, a "Request for Pump Information" questionnaire (Exhibit VII-3) or "Request for Gravity Flow Pipeline Information" questionnaire (Exhibit VII-5) should be pursued. The preferred approach would be a personal or telephone interview. Another approach is to send the questionnaire along with a cover letter (Exhibit IV-8) to the claimant. When questionnaires are returned, follow the procedures described in "Claimant Contact" above.

If claimant contact confirms a flow rate greater than the 35 gpm guideline, add a "KEEP" flag to worksheet. This will suppress

any 'error/warning' messages and explain why a flow rate issue remark was not necessary.

If contact is inconclusive, or the claimed flow rate is confirmed but exceeds three times the 35 gpm guideline, add a remark to the department examination report.

Examples: F205 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

F210 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE. AVAILABLE DATA SUPPORT A FLOW RATE OF 24 GPM.

F211 FR51THE CLAIMED FLOW RATE APPEARS EXCESSIVE FOR A BUCKET MEANS OF DIVERSION.

b. Domestic Claims With Onstream Reservoirs. When a claim describes an onstream reservoir as its diversion method, a flow rate will not be decreed. Cross out the claimed flow rate and write "0.00" next to the crossed out flow rate and place an asterisk in the brackets to the left of the flow rate heading. The computer will then automatically add the following remark to the flow rate area of the decree abstract:

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

(NOTE: This remark will not be stored in computer.)

c. Domestic Claims With Offstream Reservoirs. The flow rate for offstream reservoirs where control of the reservoir is part of the right will be decreed as claimed, clarified, or amended. The guideline for reviewing these claims will be the capacity of the diversion or delivery system, whichever is less.

Because few claims involving offstream reservoirs include information about the capacity of their diversion or delivery systems, contact the claimant and complete a reservoir questionnaire when the claimed flow rate exceeds the 35 gpm guideline.

When a claimed flow rate exceeds the capacity of the system, or the 35 gpm flow rate guideline, and contact is inconclusive, add a remark to the department's examination report.

Examples: F135 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE FACILITIES.

F145 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. AVAILABLE DATA SUPPORT A FLOW RATE OF 2.50 CFS.

F205 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM
GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED
DUE TO LACK OF DATA.

d. Formerly Decreed Flow Rates. Claimed flow rates based on historic flow rates *specifically* decreed for domestic use (i.e., not contingent upon another decreed purpose) will be decreed as claimed, clarified or amended.

If the claimed flow rate is greater than the amount historically decreed, contact the claimant. If the discrepancy is not resolved, add a flow rate remark to the department's examination report.

Example: F90 FR51THE CLAIMED FLOW RATE EXCEEDS THE 5 MINER'S
INCHES OF WET CREEK DECREED IN CASE NO. 0000,
GALLATIN COUNTY.

A formerly decreed flow rate will be compared to the guideline for the type of domestic system. For claimed amounts exceeding the guideline, contact the claimant. If the issue is unresolved, add an issue remark to the department's examination report.

Flow rates based on a historically decreed water right *specifically* for domestic use will be recorded. When a historically decreed right is found to be exceeded by the combined flow rate of claims based on that right, add a decree exceeded (DE) remark to the department's examination report. See "Irrigation: Flow Rate: Recording Documentation" section.

4. Flow Rate Issues. Any pertinent issues discovered during the examination should be remarked on the department's examination report using a flow rate (FR) remark.

a. Claimed Flow Rate Appears Inadequate. Claimed flow rates that appear excessively low (e.g., 1 gpm or less) should lead to claimant contact unless the submitted documentation clearly indicates the claimed rate is not an error. Be aware of unit of measurement and decimal placement errors. If claimant contact does not resolve the issue, add the following remark to the department's examination report.

Example: F185 FR51THE CLAIMED FLOW RATE APPEARS TO BE INADEQUATE
FOR THE CLAIMED PURPOSE.

b. No Flow Rate Claimed. If no flow rate was claimed where a flow rate is to be decreed, contact the claimant. If a flow rate is not submitted, check that the flow rate is expressed as "0.00" and place a "KEEP" flag on the worksheet next to the flow rate. Add a remark to the department's examination report.

Examples: F195 FR51NO FLOW RATE HAS BEEN CLAIMED. THE FLOW RATE
GUIDELINE FOR THIS PURPOSE IS 35 GPM.

F190 FR51NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

c. Claimed Flow Rate Not Numerically Quantified.

Where a flow rate is to be decreed and the claim states the flow rate as "All" or a portion of "All" (e.g., "½ of ALL"), the following procedures apply.

- For formerly decreed rights, check that the flow rate is expressed as "0.00 KEEP" and add a flow rate remark to the decree abstract to identify the claimed flow rate.

Examples: F45 FR01ENTIRE FLOW OF THE SOURCE AS DECREED IN CASE NO. 0000, TOOLE COUNTY.

F50 FR01THIS RIGHT IS FOR ONE FOURTH THE FLOW OF BEAVER CREEK AS DECREED IN CASE NO. 0000, BEAVERHEAD COUNTY.

For filed and use rights claimant contact should be pursued. If an amendment is not submitted, check that the flow rate is expressed as "0.00 KEEP". Add a flow rate remark to the decree abstract.

Example: F56 FR01ENTIRE/ONE FOURTH THE FLOW OF CLEAR CREEK.

AND

- Add a flow rate issue remark to the department's examination report.

Examples: F170 FR51THE FLOW RATE HAS NOT BEEN EXAMINED AS NO QUANTIFIED FLOW RATE WAS CLAIMED.

F172 FR51NO QUANTIFIED FLOW RATE WAS CLAIMED. THE FLOW RATE GUIDELINE FOR THIS PURPOSE IS 35 GPM.

Where a flow rate is to be decreed and a flow rate value has not been identified for multiple claims based on the same historic water right filed by the same claimant, add the following remark to the department's examination report for each claim involved. This remark is in lieu of the FR51 issue remark referenced above.

Example: **** FR51THE FLOW RATE HAS NOT BEEN EXAMINED AS NO QUANTIFIED FLOW RATE WAS CLAIMED. THE CLAIMS LISTED FOLLOWING THIS STATEMENT ARE ALL BASED ON THE SAME HISTORIC WATER RIGHT. W000000-00, W000000-00.

C. VOLUME

The volume for a domestic water right is the amount of water diverted in a year and is stated in acre-feet per year.

1. Identifying Claimed Volume. Identification of claimed volumes follows the procedures described in "Irrigation: Volume."

2. Examining Claimed Volume. The claimed volume for domestic claims (and claims to lawn and garden use) will be reviewed according to the claimed means of diversion, using other information in the claim file and a general volume guideline. Information may be gained through claimant contact.

Unique Features Or Aspects. Any unique aspects or features of the volume may be remarked using a volume remark (VM), e.g. VM01.

Example: **** VM01CASE NO. 0000, TETON COUNTY, DECREES ONE-THIRD INTEREST OF THE CEDAR LAKE STORAGE RIGHT.

a. Changing Volume. The claimed volume will not be changed during examination unless:

- amended by the claimant;
- clarified by the department;
- to standardize units of measure.

Make changes to the claimed volume directly on the worksheet. Document changes in the volume by checking the appropriate authority for the change, and by writing reasons on the comments line. If the change will result in a difference between the decree abstract and the claim, place an asterisk in the left margin of the worksheet in the brackets to the left of the volume heading.

b. Claimant Contact. Whenever the claimed volume is unclear, has apparent discrepancies, or appears unreasonable after the initial review, the claimant should be contacted. This contact can have several outcomes.

- Information discussed confirms the claimed volume. Document the information supporting the claimed volume.
- A volume different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claim can be changed by an amendment from the claimant. Document the information used to substantiate the new data.
- If the issue is unresolved or data support an actual volume different from the one claimed, add a volume issue remark to the department's examination report.

c. Number Of Households. Establishing a volume guideline for reviewing the claimed volume requires identifying the number of households associated with the domestic claim. Enter the number of households identified in the blank to the right of "no. households" under the volume element on the examination worksheet. The number of households will be stored in the computer data base and will appear on the decree abstract. Place a checkmark in the blank to the left of "no. households" on the worksheet.

Identifying Number Of Households. The claimed number of households can be identified by referring to the claim file to determine how many people and households are served by the water right. To convert the number of people claimed to households, assume five people equal one household. Round odd lots up to the next higher household figure, e.g., 7 people equal two households. If the number of houses described in the claim conflicts with the number of households derived from people, the reviewer must use their judgement or it may be assumed the figure implying the larger number is correct. Contact the claimant if necessary.

Due to the small scale of most domestic places of use, aerial photographs are of limited value in substantiating the claimed number of households. Only if there is a wide discrepancy between the claimed number of households and the aerial photograph, or if the photograph shows no evidence of pre-June 30, 1973 domestic use, should the claimant be contacted.

d. Feasibility Check. Check claimed volume for feasibility. The 'comparison stat.' under volume on the worksheet list the maximum volume possible if water were diverted at the claimed flow rate throughout the claimed period of use (year round use equals 366 days). Compare this figure to the claimed volume.

When a claimed flow rate or period of use has been amended, recalculate the maximum feasible volume figure, using one of the following equations.

For cfs: Feasible V = Q x days used x 1.9834711

For gpm: Feasible V = (Q x days used)/226.28542

Contact the claimant when a claimed volume exceeds the maximum feasible volume. Flow rate, volume, and period of use should be discussed with the claimant to determine which is in error.

When claimant contact does not resolve the problem, the computer will add a volume remark to the department's examination report.

Example: VM51THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 3.20 ACRE-FEET PER YEAR.

3. Specific Volume Review Criteria. Volumes for domestic claims will be decreed differently depending on the type of

system involved. This section contains the criteria for different types of domestic systems to be used as benchmarks for conducting department review or claimant contact.

a. Domestic Claims Without Reservoirs. The volume for domestic claims without reservoirs will be decreed as claimed, clarified, or amended. The guideline for reviewing these claims is:

- one acre-foot per household
- two acre-feet per acre of domestic irrigation

However, the starting minimum guideline for domestic use with or without domestic irrigation is 1.5 acre-feet.

Claimed volume at or below the guideline will generally be accepted. However, review the number of hours per day it takes to deliver the claimed volume ('comparison stat.'). A high figure (greater than 10 hrs/day) may indicate a problem with the volume, flow rate or period of use.

When a claimed volume exceeds the guideline, the claim file should be reviewed for data supporting the claimed volume. Also, review the number of hours per day it takes to deliver the claimed volume ('comparison stat.'). A high figure (greater than 10 hrs/day) may indicate a problem with the volume, flow rate or period of use. If the claimed volume is not supported by data in the claim file, contact the claimant. If contact is inconclusive, add a remark to the department's examination report.

If adjustments are made to the claimed volume, flow rate or period of use, revise the hrs/day figure ('comparison stat.') to confirm the claim is reasonable.

Seasonal Use. If the claim file indicates the period of use to be other than year round, such as a summer cabin on Flathead Lake, the volume guideline will be calculated by prorating the year round guideline. The total prorated figure may equal a certain amount for households plus a different amount for lawn and garden.

b. Domestic Claims With Reservoirs. The volume for domestic claims with reservoirs will be decreed as claimed, clarified, or amended. The guideline for domestic claims involving reservoirs is one acre-foot per household plus two acre-feet per acre plus a reasonable amount for evaporation. The evaporation adjustment to the guideline only applies if the claimant has control of the reservoir as part of the domestic right. Calculate the guideline either on the examination worksheet or the reservoir worksheet (Exhibit VI-8).

On large reservoirs claimed for domestic use, the guideline may be artificially high due to the evaporation variable. This may not be a guideline of beneficial use. On claims where this occurs, base claimant contact on the guideline of one acre-foot per household and two acre-feet per acre.

Claimed volume at or below the calculated guideline will generally be accepted, but may be reviewed further if there is an apparent error or conflicting data.

When the claimed volume exceeds the calculated guideline, the claim file should be reviewed for data supporting the claimed volume. If the claimed volume is not supported by the claim file, contact the claimant. If the contact is inconclusive, add a remark to the department's examination report.

Reservoir Data. When the claimed volume is greater than 15 AF and the claimant has control of the reservoir as part of the domestic right, data will be collected and added according to the procedures in "Claim Examination: Reservoirs".

Seasonal Use. If the claim file indicates the period of use to be other than year round, such as a summer cabin on Flathead Lake, the volume guideline will be calculated by prorating the year round guideline. The total prorated figure may equal a certain amount for households plus a different amount for lawn and garden.

c. Formerly Decreed Volume. A volume will be decreed to claims based on volume formerly decreed *specifically* for domestic use. Add a volume remark to the department's examination report.

Example: V10 VM01THIS VOLUME WAS PREVIOUSLY DECREED IN CASE NO. 0000, MEAGHER COUNTY.

If the claimed volume is greater than the amount historically decreed, contact the claimant. If the issue is not resolved, add a volume remark to the department's examination report.

Example: V30 VM51THE CLAIMED VOLUME EXCEEDS THE 50 ACRE-FEET DECREED IN CASE NO. 0000, GALLATIN COUNTY.

A formerly decreed volume will be compared to the guideline for the type of domestic system. For claimed amounts exceeding the guideline, contact the claimant. If the issue is unresolved, add an issue remark to the department's examination report.

Volumes based on a formally decreed right *specifically* for domestic use will be recorded. See "Irrigation: Flow Rate; Recording Documentation" section. When a historically decreed right is found to be exceeded by the combined volume of claims based on that right, add to the department's examination report a decree exceeded (DE) remark modified to refer to volume and acre-feet.

4. Volume Issues. Any pertinent issues discovered during the examination should be remarked on the department's examination report using a volume (VM) remark.

a. Volume Guideline Not Determinable. The calculation of the volume guideline for domestic claims requires the

claimed number of households and acres of domestic irrigation be identified. When the number of households or total acres cannot be identified and the claimed volume exceeds 3.0 AF, add the following issue remark to the department's examination report.

Example: V60 VM51THE CLAIMED VOLUME WAS NOT EXAMINED. THE CLAIMED NUMBER OF HOUSEHOLDS AND ACRES OF DOMESTIC IRRIGATION COULD NOT BE IDENTIFIED.

In some instances the claimed number of households and total irrigated acres are large but are not supported by outside data sources. If household and acres questions raised by the claim and data sources are not resolved through claimant contact, base the volume guidelines reported on the claimed number of households and total acres. Add the following volume issue remark to the department's examination report.

Example: V65 VM51THE CLAIMED VOLUME MAY BE EXCESSIVE. THE CLAIMED NUMBER OF HOUSEHOLDS AND ACRES OF DOMESTIC IRRIGATION APPEAR TO BE INACCURATE.

b. Volume Excessive. When a claimed volume exceeds the guidelines and is not supported by available data, contact the claimant. If the volume is amended, the new volume figure should be checked as reasonable compared to the number of hours per day required to deliver the volume.

If the claimant contact is inconclusive, add an issue remark to the department's examination report.

Examples: V70 VM51THE CLAIMED VOLUME EXCEEDS THE 2.50 ACRE-FEET GUIDELINE FOR THIS PURPOSE. ITS ACCURACY CANNOT BE CONFIRMED DUE TO LACK OF DATA.

V75 VM51THE CLAIMED VOLUME EXCEEDS THE 2.00 ACRE-FEET GUIDELINE FOR THIS PURPOSE. AVAILABLE DATA SUPPORT A VOLUME OF 1.80 ACRE-FEET.

V77 VM51VOLUME APPEARS TO BE EXCESSIVE FOR A BUCKET MEANS OF DIVERSION.

V80 VM51THE CLAIMED VOLUME APPEARS EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EXCEEDS THE GUIDELINE OF 3.00 ACRE-FEET PLUS A REASONABLE AMOUNT FOR EVAPORATION.

V85 VM51VOLUME MAY BE EXCESSIVE. BASED ON THE FLOW RATE AND PERIOD OF USE, THE SYSTEM WOULD HAVE TO RUN 24.0 HOURS PER DAY TO DELIVER THE CLAIMED VOLUME. NO INFORMATION EXISTS IN THE CLAIM FILE TO CONFIRM THIS FIGURE.

V100 VM51THE CLAIMED VOLUME APPEARS TO/MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

V105 VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. AVAILABLE DATA SUPPORT A VOLUME OF 2.30 ACRE-FEET.

V111 VM51THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

c. Claimed Volume Inadequate. If the claimed volume appears inadequate for the claimed use, or compared to available data, contact the claimant. Volumes should not be raised arbitrarily through claimant contact to the guideline. The guidelines are strictly a tool to trigger the need for further review. When contacting claimants about low volumes, try to determine a new volume based on actual use that is reasonable compared to the number of hours per day required to deliver the volume. If amended, the new volume figure should be checked as reasonable.

If claimant contact is inconclusive, add the following remark to the department's examination report.

Example: V45 VM51THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

d. No Volume Claimed. Contact the claimant. If a volume is not submitted, add the following remark to the department's examination report.

Examples: V90 VM51NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 2.00 ACRE-FEET PER YEAR.

V95 VM51NO VOLUME HAS BEEN CLAIMED.

e. Claimed Volume Not Numerically Quantified. When a claimed volume states "All" or a portion of "ALL" (e.g. "½ of ALL"), contact the claimant. If amended, the volume figure should be checked as reasonable compared to the number of days required to deliver the volume.

- For formerly decreed rights, check that the volume is expressed at "0.00 KEEP" and add a volume remark to the decree abstract to identify the claimed volume.

Examples: V11 VM01ENTIRE VOLUME OF THE SOURCE AS DECREED IN CASE NO. 0000, TOOLE COUNTY.

V12 VM01THIS RIGHT IS FOR ONE FOURTH THE VOLUME OF BEAVER CREEK AS DECREED IN CASE NO. 0000, BEAVERHEAD COUNTY.

For filed and use rights, claimant contact should be pursued. If an amendment is not submitted, check that the volume is expressed as "0.00 KEEP" and add a volume remark to the decree abstract.

Example: V13 VM01ENTIRE/ONE FOURTH THE VOLUME OF CLEAR CREEK.

AND

- Add a volume issue remark to the department's examination report.

Example: V96 VM51THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

V97 VM51NO QUANTIFIED VOLUME WAS CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 2.50 ACRE-FEET PER YEAR.

D. PLACE OF USE (POU)

The place of use for a domestic claim includes the households, associated facilities, lawns, gardens, shelterbelts, ornamental acreage, noncommercial greenhouses, and orchards where the water was historically used. The place of use will be described with a figure denoting the number of households, a legal land description and, if domestic irrigation is included, an acreage figure.

Although the place of use element appears after the volume element on the examination worksheet, place of use should be reviewed first. The number of households and irrigated acres claimed must be identified before the volume guideline can be determined.

1. Identifying Place Of Use. Most procedures for identifying place of use are described in "Irrigation: Place of Use." There are also several procedures unique to domestic claims.

Due to the small size of most domestic places of use, particular emphasis should be placed on refining claimed legal land descriptions and on providing additional legal land descriptions, such as lot, block, and subdivision. Consult county records or the claimant when it appears a more precise legal can be developed, or that the parcel lies within a platted subdivision or a certificate of survey but the claimed data is not clear. See section VI.D. for procedures.

2. Examining Place Of Use. Review the claimed place of use by comparing it with a post-priority date aerial photograph. If an aerial photograph is unavailable, use an orthophotoquad. Other helpful data sources include USGS maps, Water Resources Survey data, county plat books, ownership records, and the claim file itself.

a. Reviewing Legal Land Descriptions. If the claimed place of use is not evident on the aerial photograph, check county land records to determine whether the claimed legals are correct. If incorrect, contact the claimant. When claimant contact is unsuccessful, add a place of use remark to the department's examination report.

Example: **** PL51RAVALLI COUNTY RECORDS INDICATE THE LEGAL LAND DESCRIPTION FOR THE CLAIMED PLACE OF USE IS SWSWSW SEC 03 TWP 01N RGE 20W RAVALLI COUNTY.

If evidence of domestic use cannot be found on the aerial photographs after legals are corrected, see section 2.b. below.

b. Reviewing Domestic Irrigation. Review procedures for domestic irrigation will track closely with those used for non-domestic irrigation claims (IR). Only one post priority date data source, i.e., an aerial photograph or an orthophotoquad, need be used.

The review procedures for claims describing domestic irrigation will vary according to the total acreage claimed.

Claimed Acres 2.50 Or Less. Acreage totals of 2.5 acres or less are presumed to be valid. The claimant should only be contacted if the aerial photograph or other data source (e.g., county plat) clearly contradicts the claim. Aerial photographs are generally not effective tools for reviewing small acreage. Note on the examination worksheet that the POU was not examined due to size.

Claimed Acres 2.51 - 5.00. Compare claims of 2.51 to 5.00 acres with an aerial photograph for evidence of domestic irrigation and to confirm that the claimed acreage appears correct. Contact the claimant if the aerial photograph contradicts the claimed acreage.

Claimed Acres Exceed 5.00. Domestic irrigation of more than 5 acres is rare. Unless the aerial photograph clearly supports claimed domestic acreage greater than 5.0 (example, condominiums with extensive lawns), the claimant should be contacted to determine if the claimed acreage is entirely for domestic irrigation.

Compare the claimed domestic acreage to the aerial photograph to determine if the claimed acreage is actually irrigated. If the irrigated acreage identified on the aerial photograph differs from the claimed acreage by more than the claimant contact point range, contact the claimant and remark unresolved issues. Follow the general procedures outlined in the "Irrigation: POU: Specific Acreage POU Guidelines" section.

3. Non-domestic Irrigation. Domestic irrigation claims will be reviewed for the existence of domestic irrigation, as defined in Figure VI-1 under the Lawn and Garden (LG) and Multiple Domestic (MD) purpose of use guidelines. Irrigated acres that do not meet those guidelines will not be considered domestic irrigation. The aerial photograph or claimant contact may also indicate that some or all of the claimed acreage is irrigated for non-domestic purposes.

When non-domestic irrigation is identified, all irrigation claims filed by the claimant should be reviewed to determine if they overlap the place of use described on the domestic claim.

- Domestic claims that overlap the POU of an irrigation claim filed by the same owner require claimant contact. This contact may result in an amendment or instruction to eliminate the overlapping places of use, or the overlap may be justified. If either is the case, no further steps are necessary. If the issue is unresolved, add a remark to the department's examination report on both claims.

Example: P320 PL51THE PLACES OF USE FOR IRRIGATION CLAIM NO. W000000-00 AND DOMESTIC CLAIM NO. W000000-00 OVERLAP.

- When no irrigation claim is found describing the POU of a claim for apparent non-domestic irrigation, contact the claimant. If it is confirmed that the claimed POU is irrigated for other than domestic purposes, an implied irrigation claim may exist. See section XI.B. Also, the claimant may wish to amend or clarify the domestic claim to reflect domestic use only. If claimant contact does not resolve the issue, add a place of use (PL) remark to the department's examination report:

Examples: P325 PL51THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE USED FOR DOMESTIC IRRIGATION PURPOSES.

P330 PL51ONLY TWO ACRES OF THE CLAIMED PLACE OF USE APPEAR IRRIGATED FOR DOMESTIC PURPOSES.

4. Recording Place Of Use. It is only necessary to record domestic POUs greater than 5.0 acres. In some cases, e.g. subdivisions, it may be helpful to record all POUs. When recording domestic POUs, follow the procedures outlined in the "Irrigation: Place of Use: Recording Place of Use" section.

Overlapping Ownership. There is no required systematic method of identifying overlapping ownerships involving domestic claims. If an ownership overlap situation is discovered, refer to the "Irrigation: Place of Uses: Place of Use Issues" section.

Supplemental Rights. No review for or identification of supplemental relationships will be made for domestic claims.